

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ROD WHEELER,

Plaintiff,

v.

TWENTY-FIRST CENTURY FOX, INC.,
FOX NEWS NETWORK, LLC, MALIA
ZIMMERMAN, AND ED BUTOWSKY,

Defendants.

Civil Action No. 1:17-cv-05807 (GBD)

**DECLARATION OF JOSEPH M. TERRY IN SUPPORT OF DEFENDANTS
TWENTY-FIRST CENTURY FOX, INC., FOX NEWS NETWORK, LLC,
AND MALIA ZIMMERMAN'S MOTION TO COMPEL ARBITRATION
AND STAY ALL PROCEEDINGS OR, IN THE ALTERNATIVE, TO
DISMISS FOR FAILURE TO STATE A CLAIM**

I, Joseph M. Terry, hereby declare as follows:

1. I am a partner at the law firm of Williams & Connolly LLP, counsel of record for Defendants Twenty-First Century Fox, Inc. and Fox News Network LLC. I have personal knowledge of the facts set forth in this Declaration, and make this Declaration in support of Defendants Twenty-First Century Fox, Inc., Fox News Network, LLC, and Malia Zimmerman's Motion to Compel Arbitration and Stay All Proceedings Or, in the Alternative, To Dismiss For Failure to State a Claim.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Contributor Agreement between Rod Wheeler and Fox News Network, LLC for the period of January 1, 2017 through and including December 31, 2018.

3. Attached hereto as Exhibit 2 is a true and correct copy of a May 15, 2017 online report published by Fox News 5, and later updated on May 17, 2017, regarding the Seth Rich

murder investigation. Video of an interview embedded in that online report may be viewed at <http://www.fox5dc.com/news/local-news/private-investigator-there-is-evidence-seth-rich-contacted-wikileaks-prior-to-death>.

4. Attached hereto as Exhibit 3 is a true and correct copy of an article entitled “Detective Rod Wheeler releases statement concerning the Death of DNC staffer Seth Rich,” posted on the website Fetch Your News on May 22, 2017.

5. Attached hereto as Exhibit 4 is a true and correct copy of Rule 11 of the JAMS Comprehensive Arbitration Rules & Procedures, effective July 1, 2014.

6. Attached hereto as Exhibit 5 is a true and correct copy of an article entitled “The Seth Rich Conspiracy Theory Reveals How Fox News Goes About Poisoning America,” posted on GQ.com on May 24, 2017.

7. Attached hereto as Exhibit 6 is a true and correct copy of a published article quoting Rod Wheeler’s May 16, 2017 interview on *The Larry O’Connor Show* on WMAL Radio, and containing a link to that interview. Audio of the interview is available at <http://www.wmal.com/2017/05/16/today-private-investigator-rod-wheeler-discusses-the-latest-details-surrounding-the-death-of-democratic-national-committee-staffer-seth-rich/>.

8. Attached hereto as Exhibit 7 is a true and correct copy of an article that appeared on the *New York Times* web site on May 17, 2017, entitled “How the Murder of a D.N.C. Staff Member Fueled Conspiracy Theories.”

9. Attached hereto as Exhibit 8 is a true and correct copy of an article that appeared on FoxNews.com on May 16, 2017, entitled “Seth Rich, slain DNC Staffer, had contact with WikiLeaks, say multiple sources.”

10. Attached hereto as Exhibit 9 is a true and correct copy of a transcript made of a news clip posted on fox5dc.com on May 15, 2017. The video is available at <http://www.fox5dc.com/news/local-news/private-investigator-there-is-evidence-seth-rich-contacted-wikileaks-prior-to-death>.

11. Attached hereto as Exhibit 10 is a true and correct copy of a published transcript of the *Lou Dobbs Tonight* show that aired on May 16, 2017, entitled "Seth Rich Murder Mystery."

12. Attached hereto as Exhibit 11 is a true and correct copy of a transcript made of Sean Hannity's interview of Rod Wheeler on May 16, 2017. Video of the interview is available at <https://www.youtube.com/watch?v=cDdXkxgjdRI>.

I declare under the penalty of perjury and pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on this 18th day of September, 2017



Joseph M. Terry